

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>BOBBIE CLEAVLAND,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO.: 02:05cv655-W</b>
	)	
<b>FIDELITY &amp; GUARANTY LIFE</b>	)	
<b>INSURANCE COMPANY/</b>	)	
<b>OLD MUTUAL FINANCIAL</b>	)	
<b>NETWORK,</b>	)	
<b>ALVERTIS DIXON, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**APPLICATION FOR ENTRY OF DEFAULT JUDGMENT**

COMES NOW the Plaintiff in the above-styled cause and, pursuant to Fed. R. Civ. P. 55, requests the Court to enter default against the Defendant, Alvertis Dixon, for failure to plead, answer or otherwise defend, and as reasons for this action, state the following:

1. That the Defendant was duly served with a copy of the Summons, together with a copy of Plaintiff's Complaint, on June 28, 2005.
2. That more than 30 days have elapsed since the date on which the said Defendant was served with Summons and a copy of the Complaint.
3. That the Defendant has failed to answer or otherwise defend as to Plaintiff's Complaint, or serve a copy of any answer or other defense which he might have upon the undersigned attorney of record for the Plaintiff.
4. That this affidavit is executed by affiant herein in accordance with Fed. R. Civ. P. 55, for the purpose of enabling the Plaintiff to obtain an entry of default against the Defendant, Alvertis Dixon, for his failure to answer or otherwise defend as to the Plaintiff's Complaint.

The premises considered, Plaintiff prays that this Honorable Court declare default judgment against Defendant Alvertis Dixon in the amount of \$100,000.00, which represents face value of the subject policy.

DONE this the 10th day of November, 2005.

COCHRAN, CHERRY, GIVENS,  
SMITH, LANE & TAYLOR, P.C.

/s/ Terry G. Key

Terry G. Key (KEY-011)  
Post Office Box 927  
Dothan, AL 36302  
(334) 793-1555

#### **CERTIFICATE OF SERVICE**

I hereby certify that on November 10, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to participating parties; and, I also certify that I have served Forrest S. Latta and Chad C. Marchant, attorneys for Defendant Fidelity & Guaranty via their email address [ccm@bowronlatta.com](mailto:ccm@bowronlatta.com); and, I also hereby certify that I have mailed the foregoing document by U. S. Postal Service to Defendant, Alvertis Dixon, 3725 Quenby Drive, Montgomery, Alabama, 36116.

/s/ Terry G. Key